

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3499 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RANCHHODLAL DEVRAM BAVA

Versus

STATE OF GUJARAT

Appearance:

MR HJ NANAVATI for Petitioner

Mr. C.C.Bhalja, AGP for Respondents

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 23/02/99

ORAL JUDGEMENT

This is a petition for a direction to modify the order dated 15.10.1984 so as to allow the petitioner the benefit of the pay scale of Rs.196-232 with all consequential benefits admissible under rules from time to time retrospectively from the date of appointment i.e. 7th February, 1974.

2. The petitioner originally belonged to the State police constabulary in Mahesana district. After his voluntary retirement, he was re-employed as a night watchman in Sales Tax Office, Mahesana on consolidated amount of Rs.100/- per month with effect from the date of re-employment. By an order dated 3rd July, 1975, the petitioner was given the pay scale of Rs.90-110 with effect from 7.2.74, the date of appointment, in compliance with the Sarela Pay Commission report. The department treated the petitioner as class IV employee by an order dated 15.10.1984 with effect from 1.10.84. The main grievance of the petitioner is that he is entitled for the regular pay scale available to class IV employees and he should be given the same from the date of his appointment i.e. 7.2.1974 or alternatively after completion of three years of service i.e. from 7.2.77. The petitioner has made several representations to the authorities concerned for his grievances but he has not received any reply from the authority concerned as to any decision taken by it.

2. Heard the learned counsel for the parties. The grievance of the petitioner is that he is entitled for the regular pay scale of class IV employee from the date of his appointment, alternatively after completion of three years of service for which purpose, he has already made a representation on 9.9.85 to the appropriate authority, which has remained undecided by the authority concerned.

3. In the facts and circumstances of the case, this petition is disposed of finally with a direction to the respondent no. 2 authority Commissioner of Sales Tax, Gujarat State, Ahmedabad is directed to decide the representation dated 9.9.85 of the petitioner in accordance with law, within a period of two months, in case the petitioner produces a certified copy of this judgment alongwith a fresh copy of his representation dated 9.9.85 before the said authority. Rule is made absolute accordingly with no order as to costs.

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